

March 19, 1975

PRESIDENT: Thank you, Senator Syas, that was very interesting. Senator Koch.

SENATOR KOCH: Mr. President, members of the body, I have a question of Senator Marvel. Senator Marvel, a moment ago, you concurred with the chair's position.

SENATOR MARVEL: Yes.

SENATOR KOCH: My question to you is, how did the Governor know or how would he know in his budget recommendation to us, what types of legislation and what type of money would be funding that legislation so he could adequately put it in a budget if he so desired to do so?

SENATOR MARVEL: Let's take this program, specifically, that we are talking about it. I don't understand this specific program but I understand the procedure. Obviously, the Public Health and Welfare Committee had a specific program that they wanted to add to the Welfare Department that was neither approved by the Welfare Department nor the Governor. The way to do it was the way they did it. When you do it this way, you are adding to the budget of the Department and of the budget of the Governor and it is very simple. That's the reason we try to set up some programs so that they can be outlined or earmarked so that you can take a look at them. This, obviously, is a different type of program and it is very simple as far as I am concerned. I agree with Senator Syas and Senator Simpson. It takes 30 votes. I don't know why there is an argument over the fact that it takes 30 votes. That is what the Constitution says. Now I am not sure I answered your question.

SENATOR KOCH: Well, just one more question. In other words, what you are saying then, is all legislation which comes through this body which carries an appropriation that we would only be authorizing and a year later we would be waiting for the Governor to see whether or not he wanted to include it in his budget.

SENATOR MARVEL: Now, I think...I think the simplest way to do it. We have done it on appropriations bills. We have a half dozen to ten bills in here and will have this year. The safest way to do it without all the argument is to get 30 votes and, if you can't get 30 votes for an appropriations bill, then the process is in jeopardy. So what we have done very simply to get away from all this constitutional arguing is to get 30 votes period and let it go at that and, if you want to...if anybody wants to jeopardize or put a question on an appropriations bill that is going to come up and we are going to present them to you in packages just don't vote for it and if it gets less than 30 votes, it is in jeopardy.

SENATOR KOCH: Thank you.

PRESIDENT: The chair will recognize Senator Barnett but the chair does have the privilege of speaking, whenever there is discussion regarding one of the chair's rulings. If there is no discussion, the chair does not have that privilege. I do congratulate the body for not discussing the merits of 240 or 240A because that really isn't the